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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,460	09/19/2003	Georges Freyssinet	A335992-PCT-USA-A(072667.	6831

21003 7590 11/01/2006

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NEW YORK, NY 10112-4498

EXAMINER

CHISM, BILLY D

ART UNIT	PAPER NUMBER
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1654

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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10/665,460	09/19/2003	Georges Freyssinet	A335992-PCT-USA-(072667.0191)

EXAMINER

B. Dell Chism

ART UNIT

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20061026

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Commissioner for Patents

1. The reply filed on 16 August 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): it appears that Applicants made a *bona fide* attempt to elect a species based on the requirement mailed 21 March 2006; however, Applicants elected SEQ ID NO: 2, which is a native sequence and not a modified Cry protein. Although Applicants indicated that amino acid residue 164 could be modified from arginine to be phenylalanine, leucine or glutamic acid, this is not an appropriate election for examination purposes or for proper response. The election requirement is for an election of a **specific** modified Cry protein, and not for a native Cry protein suggesting where one modification could be. The election must be a species with the modification in place and not a native sequence with an option of alternatives. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. Dell Chism, whose telephone number is (571) 272-0962. The examiner can normally be reached on M-F 08:30 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571) 272-0562.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. DELL CHISM
PRIMARY EXAMINER